

Calendar No. 835

91ST CONGRESS }
2d Session }

SENATE

{ REPORT
No. 91-828

ROGELIO TABHAN

APRIL 30, 1970.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 5106]

The Committee on the Judiciary, to which was referred the bill (H.R. 5106) for the relief of Rogelio Tabhan, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, the minor child, Rogelio Tabhan, shall be held and considered to be the natural-born alien child of Mrs. Araceli T. Pixler, a lawful permanent resident of the United States: *Provided*, That the natural mother, brothers, or sisters of the said Rogelio Tabhan shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the alien child to be adopted by a lawful resident alien of the United States to qualify for second-preference status, which is the status normally enjoyed by the natural-born unmarried sons and daughters of lawful resident aliens. The bill has been amended to correct an error in drafting.

STATEMENT OF FACTS

The beneficiary of the bill is a 17-year-old native and citizen of the Philippines, where he presently resides with his paternal grandparents.

The beneficiary is coming to the United States for adoption by his widowed aunt, a lawful permanent resident of the United States. The prospective adoptive mother is employed in Los Angeles, Calif., as an accountant. The beneficiary's natural mother, who is widowed, has given permission for the adoption.

A letter, with attached memorandum, dated August 1, 1968, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H.R. 17162, which was a similar bill for the relief of the same beneficiary pending in the 90th Congress, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., August 1, 1968.

A17903000.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 17162) for the relief of Rogelio Tabhan, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill provides that a 16-year-old proposed adoptive son of Mrs. Araceli T. Pixler may be classified as a child and granted immediate relative status.

It is noted that the bill refers to Mrs. Pixler as a U.S. citizen. Mrs. Pixler is an alien who has been lawfully admitted to the United States for permanent residence.

As a nonpreference immigrant, the beneficiary would be chargeable to the total number of natives of the Philippines who may be admitted as immigrants and conditional entrants.

Sincerely,

RAYMOND F. FARRELL,
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 17162

Information concerning the case was obtained from Mrs. Araceli Pixler, paternal aunt of the beneficiary, Rogelio Tabhan.

The beneficiary, a native and citizen of the Philippines, was born June 7, 1952. He is single and has never been in the United States. He currently resides in the Philippines with his paternal grandparents, Felipe and Paz Tabhan, who are the parents of Mrs. Araceli T. Pixler, the interested party.

S.R. 828

He is in good health both mentally and physically and is supported entirely by his paternal grandparents. He is unemployed and is attending school in Manila, Philippines, and is in the first year of high school. His widowed mother, two half brothers and one half sister reside in the Philippines.

The interested party, Mrs. Araceli T. Pixler, a native and citizen of the Philippines, was born April 25, 1937. She is widowed and resides in Los Angeles, Calif. She completed high school and received a bachelor of science degree in 1959 at the University of the East, Manila, Philippines. She also completed 2 years of graduate work at University of California at Los Angeles. She is employed in Los Angeles, Calif., as an accountant where she receives an annual salary of \$9,000. Her assets consist of personal property which she values at \$20,000. She was married in December 1966 to William A. Pixler, a native and citizen of the United States. He died in April 1967. Her parents and four brothers and one sister reside in the Philippines. One brother, Ernest Tabhan, is a citizen of the United States by naturalization and is employed by the U.S. Government in the island of Kwajalein.

Mrs. Pixler entered the United States as a student January 19, 1962. Her status was adjusted to that of a lawful permanent resident December 12, 1966.

According to Mrs. Pixler, she has the permission of the beneficiary's mother to adopt him. She intends to adopt the beneficiary in the United States and educate and raise him as her own child.

The Department of State submitted the following report on the case dated December 4, 1968, to the chairman of the Committee on the Judiciary of the House of Representatives relating to H.R. 17162, 90th Congress:

DEPARTMENT OF STATE,
Washington, D.C., December 4, 1968.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Rogelio Tabhan, beneficiary of H.R. 17162, 90th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Embassy at Manila, Philippines, in whose consular jurisdiction the beneficiary resides.

The bill would provide for the beneficiary's classification as a child and for granting of immediate relative status upon approval of a petition filed by Mrs. Araceli T. Pixler, American citizen. It is noted, however, that Mrs. Pixler is a permanent resident of the United States and not a citizen.

Sincerely yours,

WILLIAM B. MACOMBER, JR.,
Assistant Secretary for Congressional Relations.

Submitted by the American Embassy at Manila, Philippines

MEMORANDUM OF INFORMATION CONCERNING H.R. 17162, 90TH
CONGRESS, FOR THE RELIEF OF ROGELIO TABHAN

Rogelio Decena Tabhan was born on June 7, 1952, at Manila, Philippines. He is presently residing with his grandparents, Paz and Felipe Tabhan, at 8824 Sampaloc Avenue, San Antonio Village, Makati, Rizal. His natural father, Roberto Tabhan, is deceased while his mother, Carmen Abada, is residing with a brother, Rodolfo, at Arellano Street, Manila. In the United States, he has an aunt, Araceli T. Pixler, residing at Hollywood, Calif. Rogelio is presently a first year high school student at the St. Martin Technological Institute, Pasig, Rizal.

The matter of Rogelio's desire to enter the United States first came to the Embassy's attention in December 1966 when his aunt and uncle, Mr. and Mrs. William Pixler called at the Embassy. They stated that Rogelio is the illegitimate son of Mrs. Pixler's brother. He has been raised by Mrs. Pixler's parents after his natural mother gave him to them to raise. Since Mrs. Pixler's parents are now elderly Mr. and Mrs. Pixler wished to assume responsibility for the boy. Mr. Pixler is a citizen of the United States and his wife is a permanent resident of the United States. On April 23, 1968, Rogelio applied for a visitor visa but was denied under section 214(b) of the Immigration and Nationality Act for failure to overcome the presumption of immigrant status.

A recent medical examination conducted by a member of the Embassy's panel of physicians revealed the beneficiary has no defect, disease, or disability.

Congressman Edward R. Roybal, the author of the bill, submitted the following statement to a subcommittee of the Committee on the Judiciary of the House of Representatives in support of the bill:

Mr. Chairman and members of the subcommittee, I am pleased to submit this statement on behalf of H.R. 5106, a bill which I introduced for the relief of Rogelio Tabhan, the nephew of my constituent, Mrs. Araceli T. Pixler, who resides at 933 North Hudson Avenue, Hollywood, Calif. The bill provides that, in the administration of the Immigration and Nationality Act, Rogelio Tabhan may be considered to be the son of Mrs. Araceli T. Pixler and a petition filed by her in his behalf may be approved pursuant to section 204 of the act.

The records show that Rogelio Decena Tabhan was born on June 7, 1952, in Manila, the Philippines, and resides with his grandparents at 8824 Sampaloc Avenue, San Antonio Village, Makati, Rizal. His natural father (Mrs. Pixler's brother) is deceased and his natural mother turned him over to his paternal grandparents at an early age, since she was unable to provide for him. The mother has expressed her willingness to agree to the adoption of Rogelio by his aunt.

The beneficiary is in good mental and physical health and attends high school in Manila. His grandparents are elderly and are finding it increasingly difficult to care for the boy.

Mrs. Pixler, a native of the Philippines, was born April 25, 1937. She completed high school and received a bachelor of science degree in 1959 at the University of the East in Manila. In addition she has completed 2 years of graduate work at the University of California at Los Angeles. She is presently employed as a corporate staff accountant with International Industries, Inc., in Beverly Hills, Calif.

She entered the United States as a student in January of 1962 and her status was adjusted to that of a permanent resident on December 12, 1966.

Mrs. Pixler was married in 1966 to a U.S. citizen, William A. Pixler, and shortly thereafter they initiated inquiries in anticipation of adopting Rogelio and raising him as their own son. These plans, unfortunately, had to be abandoned in April of 1967 due to Mr. Pixler's death. The following year Mrs. Pixler contacted my office to inquire about the possibility of proceeding on her own to bring her nephew to this country for adoption.

Under present circumstances, Mrs. Pixler will not be eligible for naturalization until 1971. Had her husband lived, however, she would have been eligible and planned to apply for U.S. citizenship the latter part of this year.

The California Department of Social Welfare has so far refused to conduct a preadoption investigation, due to the obstacles, under the present laws, which now prevent Mrs. Pixler from bringing Rogelio into this country for adoption.

On the other hand, approval of a private bill in these circumstances is usually contingent upon the ability of the interested person or persons to meet the preadoption requirements of the State involved.

There appears to be no escape from the impasse unless approval, or conditional approval, is recommended for H.R. 5106.

I am pleased to submit to this subcommittee a letter from Mrs. Pixler which outlines her financial ability to assume full responsibility for her nephew, as well as her plans for providing for his future welfare and education.

The advantages which Mrs. Pixler could offer Rogelio, should he be permitted to enter the United States, are obvious and immeasurable. As you know, the Philippine quota is heavily oversubscribed and there appears to be no way Rogelio could enter this country through administrative procedures in the foreseeable future.

Therefore, I respectfully urge your favorable consideration of H.R. 5106.

Congressman Roybal also submitted the following letters in support of the bill to the chairman of the Committee on the Judiciary of the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 17, 1969.

Re H.R. 5106.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: This has reference to your letter of June 4, 1969, regarding the above bill for the relief of Rogelio Tabhan.

I am pleased to send you the enclosed report received from Mrs. Josephine Seegel, adoptions worker, Department of Social Welfare, Los Angeles, Calif., pertaining to a home study conducted by that agency in connection with Mrs. Araceli T. Pixler's desire to adopt her nephew.

I hope the information contained in the enclosure will enable Subcommittee No. 1 to schedule H.R. 5106 for consideration in the near future.

Thank you for your attention to this matter.

Sincerely yours,

EDWARD R. ROYBAL,
Member of Congress.

Enclosure.

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY,
DEPARTMENT OF SOCIAL WELFARE,
Los Angeles, July 15, 1969.

HON. EDWARD R. ROYBAL,
Member of the House of Representatives,
Cannon Office Building,
Washington, D.C.

DEAR CONGRESSMAN ROYBAL: As we indicated in our letter of June 12, 1969, we undertook a study to determine Mrs. Pixler's qualifications as a parent who could meet the emotional and physical needs of the minor she is seeking to bring to the United States for the purpose of adoption.

A home study has been completed and Mrs. Pixler can provide financial stability and acceptable supervision for the minor. She is employed as a corporate staff accountant by International Industries, earning \$10,800 annually. She lives in a two-bedroom apartment which she shares with a female cousin, who will move when the minor arrives. The minor will be under the supervision of Mrs. Pixler's cousin by marriage, Mr. Lorenzo Colcol, aged 59. Mr. Colcol lives approximately 10 blocks from Mrs. Pixler with his family. Since he is employed as a movie theater manager, he works only at night and will be available during the day while Mrs. Pixler is at work to provide supervision and care.

The minor, Rogelio Tabhan, was born out of wedlock to Mrs. Pixler's brother, Roberto D. Tabhan, who was lost at sea in 1955 and Carmen Colaso. The natural mother had several other children whom she had turned over to strangers. At Mrs. Pixler's insistence, her fam-

ily took the minor to rear when he was about 2 months of age. He has remained in his grandparents' household since that time and much of his care was undertaken by Mrs. Pixler until her departure for the United States.

Mrs. Pixler is anxious to have Rogelio with her, partly because of her affection for him, and partly because her parents are both quite elderly and she feels the responsibility of a young boy may soon be too much for them.

If Immigration and Naturalization Service requires verification that a home study has been done before considering the visa application, we will submit an abstract of the case for their use.

We hope this information will be sufficient to permit the House Judiciary Committee to act upon the private bill. If anything further is required, the State department of social welfare will be happy to cooperate.

Sincerely yours,

Mrs. JOSEPHINE SEEDEL,
Adoptions Worker.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 5106), as amended, should be enacted.



the committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 5105), as amended, should be passed.

The committee is further of the opinion that the bill (H.R. 5105), as amended, should be passed.

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